ESTTA Tracking number:

ESTTA478826 06/19/2012

Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| Proceeding | 91194361 |
|---------------------------|--|
| Party | Plaintiff ArtBanc International, Ltd., Inc. |
| Correspondence Address | JOHN M CONE HITCHCOCK EVERT LLP PO BOX 131709 DALLAS, TX 75313 1709 UNITED STATES jcone@hitchcockevert.com, docket@hitchcockevert.com, ksimpson@hitchcockevert.com |
| Submission | Other Motions/Papers |
| Filer's Name | John M. Cone |
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| Signature | /s/John M. Cone |
| Date | 06/19/2012 |
| Attachments | 120619 Motion to Treat Motion to Compel as Conceded.pdf (2 pages)(9050 bytes) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 78/724,975 ARTBANK

ARTBANC INTERNATIONAL, LTD., INC.

Opposer,

V.

ARTBANK.COM LIMITED,

Applicant.

TO THE HONORABLE TRADEMARK TRIAL AND APPEAL BOARD:

MOTION UNDER RULE 2.127(a) TO TREAT OPPOSER'S MOTION AS CONCEDED

Opposer ArtBanc International, Ltd., Inc. filed and served a Motion for to Compel Applicant Artbank.com Ltd. to Respond to Interrogatories and Requests for Production of Documents ("Motion") in this Opposition on May 18, 2012.

Applicant's term to file a Brief in response to the Motion closed on June 7, 2012.

Applicant has not filed a Brief in response and has not requested an extension of the term to file such a Brief.

Opposer hereby requests that, as provided for in 37 CFR §2.127(a), the Board treat the Motion as conceded and grant Opposer the relief requested in its Motion and such other and further relief that the Board may deem appropriate.

Dated: June 19, 2012

Respectfully submitted,

/s/ John M. Cone
John M. Cone
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ATTORNEY FOR OPPOSER ARTBANC INTERNATIONAL, LTD., INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of June 2012, a true and correct copy of the foregoing document was served via U.S. First Class Mail, postage prepaid on Keith Barritt, Fish & Richardson P.C., P.O. Box 1022, Minneapolis MN 55440-1022.

/s/ John M. Cone John M. Cone